

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WINERIES OF THE OLD MISSION

PENINSULA, *et al.*,

Plaintiffs,

v.

PENINSULA TOWNSHIP, a Michigan Municipal
Corporation,

Defendant,

and

PROTECT THE PENINSULA,

Intervenor-Defendant.

_____ /

AFFIDAVIT OF DAVID KENSLE

STATE OF CONNECTICUT)

COUNTY OF Fairfield)

NOW COMES David Kensler, being first duly sworn, who states as follows:

1. I am competent to testify and will testify to the following facts if called as a witness in this matter.


2. I am one of the founders of the Michigan Township Participating Plan ("MTPP"), which was established in 1985.
3. The MTPP board hired Miller, Canfield, Paddock & Stone ("Miller Canfield") as its general counsel in the fall of 1985.
4. Miller Canfield acted as general counsel to the MTPP and was deeply involved in MTPP's business and insurance affairs from the fall of 1985 through at least 2014, when I resigned.
5. From 1985 until 2014 when I resigned, Miller Canfield provided legal services and counsel on everything the MTPP needed from drafting the very documents that enabled them to exist, to attending every or nearly every board meeting and maintaining minutes since 1985, to defending against threats of litigation.
6. Miller Canfield was paid a retainer for their general legal services and also billed MTPP hourly for additional services over and above the retainer.
7. The relationship between myself, the MTPP board and Miller Canfield was very close and extended even beyond the normal attorney-client relationship. I recall that the MTPP board held their January quarterly meetings in person at the Detroit office of Miller Canfield for several years, where myself, the entire board and other MTPP representatives were present.
8. Miller Canfield invited the MTPP board and other MTPP representatives, including myself, to the Detroit offices of Miller Canfield for the annual fireworks. Unfortunately, the offices were so high that we had to look down to see the fireworks.
9. Our initial Miller Canfield attorney, who began working for the MTPP board in 1985, was David Joswick. He was a very fine attorney for the MTPP. His shoes, both the uppers and the bottoms of the soles, were always shined for the MTPP board meetings. Tom Parachini was appointed after Mr. Joswick. Mr. Parachini was also a fine attorney for the MTPP.
10. Upon my resignation in 2014, Miller Canfield was still the acting general counsel for the MTPP.

I hereby swear and affirm that the foregoing facts contained herein are true and accurate to the best of my knowledge, information, and belief.

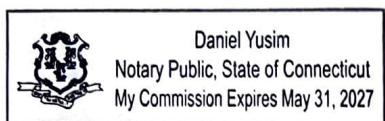
Dated: May 22, 2023



David Kensler

Subscribed and sworn to before me by David Kensler on May 22, 2023


Daniel Yusim, Notary Public
Fairfield County, Connecticut

My Commission Expires: 05/31/2027




05/22/2023